



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2451

Introduced 2/17/2015, by Rep. Patrick J. Verschoore

SYNOPSIS AS INTRODUCED:

820 ILCS 405/601	from Ch. 48, par. 431
820 ILCS 405/1502.1	from Ch. 48, par. 572.1

Amends the Unemployment Insurance Act. Provides that individuals who voluntarily leave employment to enroll in and attend a Department-approved training course are not ineligible for benefits. Provides that an employer shall not be charged for benefit charges resulting from payments to a claimant if the claimant is enrolled in and attending a Department-approved training course.

LRB099 06247 JLS 26315 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Sections 601 and 1502.1 as follows:

6 (820 ILCS 405/601) (from Ch. 48, par. 431)

7 Sec. 601. Voluntary leaving.

8 A. An individual shall be ineligible for benefits for the
9 week in which he or she has left work voluntarily without good
10 cause attributable to the employing unit and, thereafter, until
11 he or she has become reemployed and has had earnings equal to
12 or in excess of his or her current weekly benefit amount in
13 each of four calendar weeks which are either for services in
14 employment, or have been or will be reported pursuant to the
15 provisions of the Federal Insurance Contributions Act by each
16 employing unit for which such services are performed and which
17 submits a statement certifying to that fact.

18 B. The provisions of this Section shall not apply to an
19 individual who has left work voluntarily:

20 1. Because he or she is deemed physically unable to
21 perform his or her work by a licensed and practicing
22 physician, or because the individual's assistance is
23 necessary for the purpose of caring for his or her spouse,

1 child, or parent who, according to a licensed and
2 practicing physician or as otherwise reasonably verified,
3 is in poor physical or mental health or is mentally or
4 physically disabled and the employer is unable to
5 accommodate the individual's need to provide such
6 assistance;

7 2. To accept other bona fide work and, after such
8 acceptance, the individual is either not unemployed in each
9 of 2 weeks, or earns remuneration for such work equal to at
10 least twice his or her current weekly benefit amount;

11 3. In lieu of accepting a transfer to other work
12 offered to the individual by the employing unit under the
13 terms of a collective bargaining agreement or pursuant to
14 an established employer plan, program, or policy, if the
15 acceptance of such other work by the individual would
16 require the separation from that work of another individual
17 currently performing it;

18 4. Solely because of the sexual harassment of the
19 individual by another employee. Sexual harassment means
20 (1) unwelcome sexual advances, requests for sexual favors,
21 sexually motivated physical contact or other conduct or
22 communication which is made a term or condition of the
23 employment or (2) the employee's submission to or rejection
24 of such conduct or communication which is the basis for
25 decisions affecting employment, or (3) when such conduct or
26 communication has the purpose or effect of substantially

1 interfering with an individual's work performance or
2 creating an intimidating, hostile, or offensive working
3 environment and the employer knows or should know of the
4 existence of the harassment and fails to take timely and
5 appropriate action;

6 5. Which he or she had accepted after separation from
7 other work, and the work which he or she left voluntarily
8 would be deemed unsuitable under the provisions of Section
9 603;

10 6. (a) Because the individual left work due to verified
11 domestic violence as defined in Section 103 of the Illinois
12 Domestic Violence Act of 1986 where the domestic violence
13 caused the individual to reasonably believe that his or her
14 continued employment would jeopardize his or her safety or
15 the safety of his or her spouse, minor child, or parent

16 if the individual provides the following:

17 (i) notice to the employing unit of the reason for
18 the individual's voluntarily leaving; and

19 (ii) to the Department provides:

20 (A) an order of protection or other
21 documentation of equitable relief issued by a
22 court of competent jurisdiction; or

23 (B) a police report or criminal charges
24 documenting the domestic violence; or

25 (C) medical documentation of the domestic
26 violence; or

1 (D) evidence of domestic violence from a
2 member of the clergy, attorney, counselor, social
3 worker, health worker or domestic violence shelter
4 worker.

5 (b) If the individual does not meet the provisions of
6 subparagraph (a), the individual shall be held to have
7 voluntarily terminated employment for the purpose of
8 determining the individual's eligibility for benefits
9 pursuant to subsection A.

10 (c) Notwithstanding any other provision to the
11 contrary, evidence of domestic violence experienced by an
12 individual, or his or her spouse, minor child, or parent,
13 including the individual's statement and corroborating
14 evidence, shall not be disclosed by the Department unless
15 consent for disclosure is given by the individual.

16 7. Because, due to a change in location of employment
17 of the individual's spouse, the individual left work to
18 accompany his or her spouse to a place from which it is
19 impractical to commute or because the individual left
20 employment to accompany a spouse who has been reassigned
21 from one military assignment to another. The employer's
22 account, however, shall not be charged for any benefits
23 paid out to the individual who leaves work under a
24 circumstance described in this paragraph.

25 8. Because the individual is enrolled in and attending
26 a Department-approved training course. The employer's

1 account, however, shall not be charged for any benefits
2 paid out to the individual who leaves work under a
3 circumstance described in this paragraph.

4 C. Within 90 days of the effective date of this amendatory
5 Act of the 96th General Assembly, the Department shall
6 promulgate rules, pursuant to the Illinois Administrative
7 Procedure Act and consistent with Section 903(f)(3)(B) of the
8 Social Security Act, to clarify and provide guidance regarding
9 eligibility and the prevention of fraud.

10 (Source: P.A. 95-736, eff. 7-16-08; 96-30, eff. 6-30-09.)

11 (820 ILCS 405/1502.1) (from Ch. 48, par. 572.1)

12 Sec. 1502.1. Employer's benefit charges.

13 A. Benefit charges which result from payments to any
14 claimant made on or after July 1, 1989 shall be charged:

15 1. For benefit years beginning prior to July 1, 1989,
16 to each employer who paid wages to the claimant during his
17 base period;

18 2. For benefit years beginning on or after July 1, 1989
19 but before January 1, 1993, to the later of:

20 a. the last employer prior to the beginning of the
21 claimant's benefit year:

22 i. from whom the claimant was separated or who,
23 by reduction of work offered, caused the claimant
24 to become unemployed as defined in Section 239,
25 and,

1 ii. for whom the claimant performed services
2 in employment, on each of 30 days whether or not
3 such days are consecutive, provided that the wages
4 for such services were earned during the period
5 from the beginning of the claimant's base period to
6 the beginning of the claimant's benefit year; but
7 that employer shall not be charged if:

8 (1) the claimant's last separation from
9 that employer was a voluntary leaving without
10 good cause, as the term is used in Section 601A
11 or under the circumstances described in
12 paragraphs 1 and 2 of Section 601B; or

13 (2) the claimant's last separation from
14 that employer was a discharge for misconduct or
15 a felony or theft connected with his work from
16 that employer, as these terms are used in
17 Section 602; or

18 (3) after his last separation from that
19 employer, prior to the beginning of his benefit
20 year, the claimant refused to accept an offer
21 of or to apply for suitable work from that
22 employer without good cause, as these terms are
23 used in Section 603; or

24 (4) the claimant, following his last
25 separation from that employer, prior to the
26 beginning of his benefit year, is ineligible or

1 would have been ineligible under Section 612 if
2 he has or had had base period wages from the
3 employers to which that Section applies; or

4 (5) the claimant subsequently performed
5 services for at least 30 days for an individual
6 or organization which is not an employer
7 subject to this Act; or

8 (6) the claimant is enrolled in and
9 attending a Department-approved training
10 course; or

11 b. the single employer who pays wages to the
12 claimant that allow him to requalify for benefits after
13 disqualification under Section 601, 602 or 603, if:

14 i. the disqualifying event occurred prior to
15 the beginning of the claimant's benefit year, and

16 ii. the requalification occurred after the
17 beginning of the claimant's benefit year, and

18 iii. even if the 30 day requirement given in
19 this paragraph is not satisfied; but

20 iv. the requalifying employer shall not be
21 charged if the claimant is held ineligible with
22 respect to that requalifying employer under
23 Section 601, 602 or 603.

24 3. For benefit years beginning on or after January 1,
25 1993, with respect to each week for which benefits are
26 paid, to the later of:

1 a. the last employer:

2 i. from whom the claimant was separated or who,
3 by reduction of work offered, caused the claimant
4 to become unemployed as defined in Section 239, and

5 ii. for whom the claimant performed services
6 in employment, on each of 30 days whether or not
7 such days are consecutive, provided that the wages
8 for such services were earned since the beginning
9 of the claimant's base period; but that employer
10 shall not be charged if:

11 (1) the claimant's separation from that
12 employer was a voluntary leaving without good
13 cause, as the term is used in Section 601A or
14 under the circumstances described in
15 paragraphs 1, 2, and 6 of Section 601B; or

16 (2) the claimant's separation from that
17 employer was a discharge for misconduct or a
18 felony or theft connected with his work from
19 that employer, as these terms are used in
20 Section 602; or

21 (3) the claimant refused to accept an
22 offer of or to apply for suitable work from
23 that employer without good cause, as these
24 terms are used in Section 603 (but only for
25 weeks following the refusal of work); or

26 (4) the claimant subsequently performed

1 services for at least 30 days for an individual
2 or organization which is not an employer
3 subject to this Act; or

4 (5) the claimant, following his separation
5 from that employer, is ineligible or would have
6 been ineligible under Section 612 if he has or
7 had had base period wages from the employers to
8 which that Section applies (but only for the
9 period of ineligibility or potential
10 ineligibility); or

11 b. the single employer who pays wages to the
12 claimant that allow him to requalify for benefits after
13 disqualification under Section 601, 602, or 603, even
14 if the 30 day requirement given in this paragraph is
15 not satisfied; but the requalifying employer shall not
16 be charged if the claimant is held ineligible with
17 respect to that requalifying employer under Section
18 601, 602, or 603.

19 B. Whenever a claimant is ineligible pursuant to Section
20 614 on the basis of wages paid during his base period, any days
21 on which such wages were earned shall not be counted in
22 determining whether that claimant performed services during at
23 least 30 days for the employer that paid such wages as required
24 by paragraphs 2 and 3 of subsection A.

25 C. If no employer meets the requirements of paragraph 2 or
26 3 of subsection A, then no employer will be chargeable for any

1 benefit charges which result from the payment of benefits to
2 the claimant for that benefit year.

3 D. Notwithstanding the preceding provisions of this
4 Section, no employer shall be chargeable for any benefit
5 charges which result from the payment of benefits to any
6 claimant after the effective date of this amendatory Act of
7 1992 where the claimant's separation from that employer
8 occurred as a result of his detention, incarceration, or
9 imprisonment under State, local, or federal law.

10 D-1. Notwithstanding any other provision of this Act,
11 including those affecting finality of benefit charges or rates,
12 an employer shall not be chargeable for any benefit charges
13 which result from the payment of benefits to an individual for
14 any week of unemployment after January 1, 2003, during the
15 period that the employer's business is closed solely because of
16 the entrance of the employer, one or more of the partners or
17 officers of the employer, or the majority stockholder of the
18 employer into active duty in the Illinois National Guard or the
19 Armed Forces of the United States.

20 E. For the purposes of Sections 302, 409, 701, 1403, 1404,
21 1405 and 1508.1, last employer means the employer that:

22 1. is charged for benefit payments which become benefit
23 charges under this Section, or

24 2. would have been liable for such benefit charges if
25 it had not elected to make payments in lieu of
26 contributions.

1 (Source: P.A. 93-634, eff. 1-1-04; 93-1012, eff. 8-24-04;
2 94-152, eff. 7-8-05.)